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SUBJECT: TRUTH AND RECONCILIATION COMMISSION: SLOW PROGRESS

¶1. (SBU) SUMMARY: During comprehensive consultations with Representatives from the Ministry of Justice, the Steering Committee of the Transitional Justice Mechanism, civil society, the international community and NGO organizations April 16-18, Ambassador-at-Large for War Crimes Clint Williamson:

-- encouraged the Government of Burundi (GOB) to hold National Consultations on the creation of a Truth and Reconciliation Commission (TRC) with a goal of establishing a working Commission in 2011;
-- questioned transferring supervision of the TRC from the Office of the First Vice President to the Office of the President;
-- agreed that a Special Tribunal to try those found guilty by the TRC is not yet necessary but should be considered as a possibility for the future; and
-- sought NGO input on an interim campaign to raise public awareness of TRC-related issues before a TRC is established in 2011. END SUMMARY.

Background: Slow Progress for Establishment of TRC

¶2. (SBU) The 2000 Arusha Accords, the agreement that established the framework for peace in Burundi, called for the creation of a TRC and a Special Tribunal. The 2006 UNSCR 1606 called for the creation of both a TRC and a special chamber in the Burundian judicial system to adjudicate crimes against humanity, war crimes, and accusations of genocide. In 2007, the Government of Burundi (GOB) decided to establish a Tripartite Steering Committee for National Consultations on Transitional Justice Mechanisms comprised of two representatives each from the GOB, the UN and Burundian civil society.

¶3. (SBU) The Committee has submitted a plan for national consultations to the UN and is awaiting financing from the Peacebuilding Fund before starting the consultations. Consultations are scheduled to take three months to organize, six months to complete, and three months to draft a report.

¶4. (SBU) Civil society and international community representatives told Amb. Williamson that the GOB should work to put in place all of the appropriate mechanisms for a TRC prior to the highly anticipated 2010 presidential and parliamentary elections, with the goal of starting TRC operations in 2011.

¶5. (SBU) Several interlocutors expressed concern that the methodology for national consultations is unknown and that the results could be manipulated by the government to discourage establishing a TRC. Others speculated that many in the current administration, having been rebels themselves,

are implicated in crimes that occurred during the war and would prefer that a TRC not hold them accountable for their actions. Several individuals said that the current administration does not view a TRC as a mechanism to solidify peace and will therefore attempt to block its creation. Some NGO members stressed in conversations with Amb. Williamson that individuals may still be wary of speaking their minds for fear of recriminations and suggested that perhaps the time is not yet ripe for national consultations.

President Assumes Control of TRC

¶6. (SBU) Until March, the Office of the First Vice President had been leading TRC-related negotiations with the UN and organizing activities for the Steering Committee. The Chief of Staff in the First Vice President's' office, Pie Baribwegure told Amb. Williamson that the President's office has not indicated to the First Vice President why it has now assumed control of the dossier. He noted that it seems likely the TRC process will be politicized now that the Office of the President has assumed responsibility.

¶7. (SBU) Special Advisor to the President Amb. Joseph Ntakirutimana however, told Amb. Williamson that different approaches to Truth and Reconciliation processes are necessary for different countries, and Burundi is no exception. He continued that it is possible that after consultations, the public may decide they don't want a TRC or a Special Tribunal. Ntakirutimana maintained that the entire process is already politicized and that even ex-political leaders and civil society members have political agendas. Thus, according to Ntakirutimana, the TRC will never be a non-partisan mechanism.

Special Tribunal Could Complicate Matters

¶8. (SBU) Civil society and NGO representatives told Ambassador Williamson that the notion of a Special Tribunal for perpetrators of war crimes is controversial. While many members of civil society believe that a special tribunal should be created at the same time as a TRC, others feel it is best to leave the idea of a Special Tribunal or a special chamber open as an option, but not operationalize such a mechanism in the near future. If the Special Tribunal existed simultaneously with a TRC, the threat of immediate punishment could dissuade the current administration from establishing a TRC.

TRC Public Awareness Campaign

¶9. (SBU) Several NGO representatives responded favorably to Amb. Williamson's idea of conducting a public awareness campaign to help prepare the public for an official TRC in ¶2011. Should the government not host such a program, individual groups suggested hosting non-governmental projects to educate the population, collect testimonials and help to resolve land conflicts before a TRC is established.

Comment

¶10. (SBU) COMMENT: Although President Nkurunziza frequently states that national consultations will soon be underway, the Steering Committee has not communicated well with the public and its operations and objectives are perceived as opaque. Indeed, one of the government appointees to the Steering Committee refused to meet with Amb. Williamson to discuss the consultations, and a second government appointee told PolOff in a private conversation that the Committee is frequently the victim of political interference. Nevertheless, unless National Consultations are conducted transparently and with a well-known and understood methodology in an environment where

individuals feel free to express themselves without fear of retribution or recrimination, it will be an empty and possibly counterproductive exercise. While awaiting the creation of the TRC in 2011, a public awareness campaign could well be useful so that the public receives unbiased and non-partisan information on the design and role of a TRC in contributing to peace and stability in Burundi.

¶11. (SBU) Further, postponing the creation of a Special Tribunal until after the completion of work by the TRC seems prudent. Simultaneous processes could destabilize the already-precarious political situation that reigns in post-conflict Burundi. END COMMENT.

¶12. (U) This cable has been cleared by Ambassador Williamson.

MOLLER